

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 95-159

RESCISSION OF SITE CLEANUP REQUIREMENTS FOR:

SAFETY-KLEEN CORPORATION and
JOHN BERTOLOTTI

For the property located at:

3461 WOODWARD AVENUE
SANTA CLARA
SANTA CLARA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter called the Board) finds that:

Site Description

1. Safety-Kleen (Safety-Kleen) Corporation owned and operated a solvent distribution and reclamation facility (Site) at 3461 Woodward Avenue, Santa Clara, Santa Clara County. The Site occupied one-third acre. The property was owned by John Bertolotti (Real Property Associates) and leased to Safety-Kleen. Operations began in 1977 and ceased in 1984.

Site History

2. Safety-Kleen is referred to as a discharger because of their occupation of the site for 7 years and use of chemicals that have been detected on site in soil and groundwater. Safety-Kleen installed two 15,000 gallon underground steel tanks in 1977 to store clean and spent solvent. Subsurface pollution resulted from spillage of solvents onto the soil surrounding the area where drums were filled with clean solvent, and spent solvent was unloaded from drums into the dumpster that emptied into the spent solvent tank. The clean solvent was primarily mineral spirits. The spent solvent contained some perchloroethene, 1,1,1 - trichloroethane, trichloroethene, and methylene chloride. The solvent tanks were removed April 1984 and the unsaturated zone in the open pit contained up to 4600 ppm solvent. A two inch layer of spent solvent was floating on top of the groundwater encountered in soil borings. In March 1986, 675 cubic yards of soil and 41,000 gallons of groundwater were removed from the open pit area.

Site Regulatory History

3. The initial Site Cleanup Requirements, Order No. 87-22, had provisions for site monitoring and interim and final cleanup alternatives. Order No. 88-115, was an NPDES permit for discharge to a storm drain that emptied into the Guadalupe River. Order No. 89-161 rescinded Order 87-22, and contained tasks for completion of site characterization, evaluation of interim remedial actions, and preparation and implementation of final remedial actions. Order 92-036 contained

tasks for site closure and long term monitoring and rescinded Order 89-161. Order 94-068 rescinded NPDES Order 88-115.

Site Investigations

4. Subsurface investigations were begun in 1984. There were 31 soil borings, 12 groundwater monitoring wells, aquifer pump tests and soil vent tests.

Soil and Groundwater Contamination

5. Pollutants in soil have included mainly mineral spirits up to 5500 ppm, methylene chloride at 8 ppm, chloroform up to 610 ppm and 1,2-dichlorobenzene at 860 ppm, and 1,3-dichlorobenzene at 970 ppm. In groundwater VOCs were methylene chloride at 7.5 ppb, 1,1-dichloroethane at 36 ppb, 1,2-dichloroethene at 81 ppb, trichloroethene at 790 ppb, perchloroethene at 10 ppb, vinyl chloride at 13 ppb, and 1,2-dichloroethane at 15 ppb.

Soil and Groundwater Remediation

6. Remediation systems were installed in August, 1988, for groundwater extraction and treatment. Soil vapor extraction and treatment with 13 vents were also installed.

Closure Activities

7. The site closure activities to meet the requirements of Order No. 92-036 were cessation of groundwater and soil vapor extraction, dismantling of soil vent system and the groundwater extraction well, and removal of the air stripper treatment unit and groundwater treatment system. Monitoring results were near MCLs and there was concern that up gradient off site contaminants would migrate onto the Site if groundwater extraction was continued.

Recommendation For Final Action

8. Order 92-036 recommended that the site be considered for closure after further monitoring. The discharger submitted an annual report, dated October 31, 1994, and a Five-Year Status Report also dated October 31, 1994, recommending final action and closure for the site. The reports concluded that concentrations in the monitoring wells have decreased to below cleanup limits for pollutants originating at the Site.
9. The discharger should produce a final letter report documenting that all the monitoring wells used at the site have been properly destroyed.

State Board Resolutions

10. State Board Resolution 68-16

On October 28, 1968, the State Board adopted Resolution No. 68-16, "Statement of Policy with Respect to Maintaining high Quality Waters in California". This policy calls for maintaining the existing high quality of State waters unless it is demonstrated that any change would be consistent with the maximum public benefit and not unreasonably affected beneficial uses. This is based on a Legislative finding, contained in section 13000, California Water Code, which states in part that it is State policy that "waters of the State shall be regulated to attain the highest water

quality which is reasonable". The original discharge of wastes to the groundwater at this site is in violation of this policy.

11. State Board Resolution 88-63

On May 19, 1988, the State Board adopted Resolution 88-63, "Sources of Drinking Water". This resolution states that, with certain exceptions, surface and ground waters of the State are considered to be suitable, or potentially suitable, for municipal or domestic water supply.

Regional Board Resolutions

12. Regional Board Resolution 89-39

Resolution 88-39, "Incorporation of 'Sources of Drinking Water' Policy into the Water Quality Control Plan" was adopted on March 15, 1989. This policy defines groundwater as suitable or potentially suitable for municipal or domestic supply if it:

- a. has a total dissolved solids content of less than 3,000 mg/l, and
- b. is capable of producing sufficient water to supply a single well with at least 200 gallons per day.

For purposes of establishing cleanup objectives, the water bearing zones at this site qualify as potential sources of drinking water.

Basin Plan

13. The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) on December 16, 1986 and amendments thereafter. The Basin Plan contains water quality objectives for Guadalupe River and South San Francisco Bay and contiguous surface waters and groundwater.
14. The existing and potential beneficial uses of the groundwater underlying and adjacent to the Site include:
 - a. industrial process water supply
 - b. industrial service water supply
 - c. municipal and domestic water supply
 - d. agricultural water supply
15. The existing and potential beneficial uses of Guadalupe River and South San Francisco Bay include:
 - a. industrial process water supply
 - b. navigation
 - c. recreation
 - d. commercial/sport fishing
 - e. warm fresh water habitat
 - f. areas of special biological significance
 - g. wildlife and marine habitat
 - h. fish migration
 - i. shellfishing

Basis SCR Rescission

16. The Board establishes the overall cleanup level for a water body based upon the most sensitive beneficial use identified. In all cases, the Board first considers high quality or naturally occurring "background" concentration objectives as the cleanup levels for polluted groundwater with a beneficial use of municipal and domestic supply, such as at this site.
17. All known sources of contamination have been removed or mitigated. Groundwater contamination has decreased significantly over the eight year monitoring program and are now below detection limits. Groundwater monitoring shows that levels are below the 200 $\mu\text{g/l}$ cleanup limit for mineral spirits.
18. Based on the above findings and in consideration of the reasonable protection of beneficial uses and maximum benefit to the people of the State pursuant to State Board Resolution 68-16, additional remediation and groundwater monitoring are not necessary.
19. Water Code Section 13263 requires the Board to review Waste Discharge Requirements periodically and modify them as necessary. Given that relevant water quality objectives are now met at the site, the Site Cleanup Requirements are no longer needed and should be rescinded.

CEQA

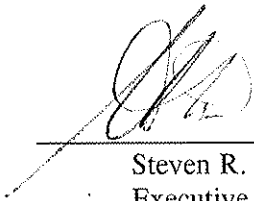
20. This action is constitutes a minor modification to land and as such is categorically exempt from the provisions of the CEQA pursuant to Section 15304 of the Resources Agency Guidelines.

Notice

21. The Board has notified the dischargers and interested agencies and persons of its intent to rescind Site Cleanup Requirements for this site and has provided them with the opportunity for a public hearing and opportunity to submit their written views and recommendations.
22. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED THAT: Order No. 92-036 is rescinded.

I, Steven R. Ritchie, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on July 19, 1995.



Steven R. Ritchie
Executive Officer